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DEPT. OF TRANSPORTATION

UNITED STATES
DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS, WASHINGTON, D.C.

2005 MAY -9 P 4: 07

IN THE MATTER OF:

**HOLT PIVOT SERVICE
& REPAIR, INC.**

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)
)
) **Docket No. FMCSA -2005-21789 -- 12**
) **(Federal Motor Carrier Safety Administration)**
)
) **Honorable Richard C. Goodwin**
)

AGREED MOTION FOR CLARIFIATION OF APRIL 9, 2006 ORDER
AND FOR EXTENSION OF PROCEDURAL DATES

NOW COMES the Acting Field Administrator for the Federal Motor Carrier Safety Administration, Midwest Service Center, by and through his Counsel hereby submits his Agreed Motion for Clarification of the April 9, 2006 *Order Granting Extension of Procedural Dates* and for Extension of Procedural Dates. In support thereof he states as follows:

1. On April 7, 2006 the Parties to this matter filed with the court their Agreed Motion for Extension of Time wherein they requested 90 days be added "*to all pending deadlines*".
(Emphasis added)
2. The original Procedural Order issued on March 13, 2006 set: (a) a discovery termination date for April 27, 2006 (45 days from March 13), (b) a due date for amended witness and exhibit lists for May 2, 2006 (50 days from March 13), (c) a stipulations due date for May 2 (10 days prior to hearing) and (d) a hearing date for May 12, 2006 (60 days from March 13).

3. By Order dated April 9, 2006, the Honorable Richard C. Goodwin granted the agreed motion and extended the hearing date 60 days to the "week of July 10, 2006". However, all other pending procedural deadlines were not extended by the same 60 days added to the original hearing date. For instance, the discovery cutoff date was extended by only 8 days to from April 27 to May 5, 2006.

4. The undersigned states that the same reasons for requesting the extension of time in the first place continue. Please *See* paragraphs 2-4 of the Agreed Motion.¹

5. The Parties respectfully request clarification of the Order Granting Extension of Procedural Dates and request the Administrative Law Judge to modify the remaining procedural dates - to be consistent with the new hearing date and with the April 7, 2006 Agreed Motion - as follows:

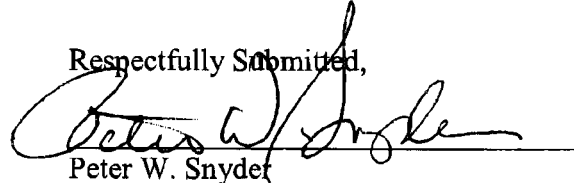
- a. Conclude discovery by or before June 19, 2006
- b. File Amended witness list and pre-hearing briefs on or before June 26, 2006
- c. File stipulations by June 26, 2006

6. The Parties states that during the extended time set by the Administrative Law Judge they will gain the "breathing room" to undertake additional discussions that could lead to settlement of these matters without recourse to the time and expense of a hearing.

¹ Counsel for the Field Administrator traveled to his parents home to deal with health and medical services issues in early April and is scheduled to do the same on May 12, 2006. Furthermore, a future trip is tentatively scheduled for the week of June 11.

WHEREFORE, the Parties respectfully request that the Procedural Order served on April 9, 2006 be amended to extend the procedural deadlines in this matter consistent with Paragraph 5 above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Peter W. Snyder", is written over a horizontal line.

Peter W. Snyder
Trial Attorney & Enforcement Counsel
Federal Motor Carrier Safety Administration
Midwestern Service Center
19900 Governors Drive
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708-283-3515

CERTIFICATE OF SERVICE

This is to certify that on this 9th day of May, 2006, the undersigned delivered as specified, the designated number of copies of the foregoing document to the persons listed below.

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Washington, D.C. 20590
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Via Fax

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Administrative Law Judge
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400 Seventh Street, S.W.
Washington, D.C. 20590
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**One Copy
Personal Delivery**

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